

AMENDED IN ASSEMBLY AUGUST 24, 2006

AMENDED IN ASSEMBLY MARCH 22, 2006

AMENDED IN ASSEMBLY SEPTEMBER 2, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 12, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 521

Introduced by Senator Torlakson
(Coauthor: Assembly Member Jones)

February 18, 2005

An act to add *and repeal* Section 27361.10 ~~to~~ of the Government Code, relating to recording fees.

LEGISLATIVE COUNSEL'S DIGEST

SB 521, as amended, Torlakson. Recording fees: Contra Costa County.

Existing law establishes the fees to be charged by the county recorder for recording and indexing every instrument, paper, or notice required or permitted by law to be recorded. Existing law, including provisions of the California Constitution, subject local governmental agencies to various requirements in imposing, increasing, or extending general or special taxes, fees, and other local exactions.

This bill would authorize the Contra Costa County Board of Supervisors *until January 1, 2013*, to additionally charge \$1 for each page after the first page that is recorded for every real estate instrument, *as defined*, paper, or notice required or permitted by law to

be recorded in Contra Costa County. The bill would require the Contra Costa County Board of Supervisors to establish a fund for deposit of the moneys raised by the increase, which shall be used to assist in the development of affordable housing for very low income households, lower income households, and moderate-income households.

This bill would make legislative findings and declarations as to the necessity of a special statute.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 27361.10 is added to the Government
2 Code, to read:
3 27361.10. (a) (1) In addition to any other recording fees
4 specified in this code, the Contra Costa County Board of
5 Supervisors may increase the fee for recording every real estate
6 instrument, paper, or notice required or permitted by law to be
7 recorded in Contra Costa County, except those expressly
8 exempted from payment of recording fees. The additional fee, if
9 authorized by the Contra Costa County Board of Supervisors,
10 shall not exceed one dollar (\$1) per page for each page following
11 the first page of the recorded document.
12 (2) *For purposes of this section, “real estate instrument”*
13 *means a deed of trust, an assignment of a deed of trust, a*
14 *reconveyance, a request for notice, and a notice of default and*
15 *does not include either of the following:*
16 (A) *A deed, instrument, or writing subject to the imposition of*
17 *a documentary transfer tax, as defined in Section 11911 of the*
18 *Revenue and Taxation Code.*
19 (B) *A document required to facilitate the transfer subject to*
20 *the documentary transfer tax described in subparagraph (A).*
21 (b) All moneys raised pursuant to subdivision (a) shall be
22 deposited in an account established by the Contra Costa County
23 Board of Supervisors to be used to assist in the development of
24 affordable housing for very low income households, lower
25 income households, and moderate-income households. For
26 purposes of this section, “very low income household” means a
27 household whose income does not exceed the very low income
28 limits applicable to Contra Costa County adjusted for household

size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the Health and Safety Code; “lower income household” means a household whose income does not exceed the lower income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the Health and Safety Code; and “moderate-income household” means persons and families whose income does not exceed the moderate income limits applicable to Contra Costa County, adjusted for household size, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code.

(c) All moneys raised pursuant to subdivision (a), after deduction of any actual and necessary administrative costs incurred by Contra Costa County, shall be used only to help finance the construction, rehabilitation, or purchase of housing for very low income households, lower income households, and moderate-income households and to fund any local matching contributions required pursuant to federal law.

(d) *Housing constructed with funds made available pursuant to this section shall meet at least one of the following requirements:*

(1) *Be housing located within the urban limit line.*

(2) *Be multifamily with an average density of at least 14 units per acre.*

(3) *Be designed in a manner that complements existing neighborhoods, promotes social interaction, is pedestrian friendly, and allows for the potential for mixed use.*

(e) *This section shall remain in effect only until January 1, 2012, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2012, deletes or extends that date.*

SEC. 2. The Legislature finds and declares that there are unique circumstances concerning the need for developing more affordable housing for very low income households, lower income households, and moderate-income households in Contra Costa County necessitating the enactment of the procedures contained in this act. It is therefore declared that a general law

- 1 cannot be made applicable within the meaning of Section 16 of
- 2 Article 16 of the Constitution, and that the enactment of this act
- 3 as a special law is necessary.

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